

EXHIBIT H
FILED UNDER SEAL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,)
Plaintiff,)
v.) Case No.
UBER TECHNOLOGIES, INC.;) 3:17-cv-00939-WHA
OTTOMOTTO LLC;)
OTTO TRUCKING,)
Defendants.)
-----)

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF EDWARD RUSSO
WEDNESDAY, DECEMBER 20, 2017

REPORTED BY:
PAUL J. FREDERICKSON, CCR, CSR
JOB NO. 2771335

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1 Q. Number 3 here is: 16:02:32
2 "Augmented Nonattributable 16:02:33
3 Internet collection." 16:02:35
4 What does that refer to? 16:02:36
5 A. Basically doing open-source 16:02:38
6 research, but doing it -- but not doing it from 16:02:49
7 Uber computers. 16:02:52
8 Q. And why was it important to do 16:02:55
9 that research with nonattributable devices or 16:02:57
10 nonUber computers? 16:03:01
11 A. It actually wasn't. And, I mean, 16:03:02
12 it would have added an additional layer of 16:03:04
13 security or protection. But ultimately 16:03:07
14 whenever I did open-source research on a 16:03:10
15 competitor, I just did it from my Uber 16:03:13
16 computer, primarily because it doesn't make -- 16:03:16
17 it doesn't make a difference. It's 16:03:20
18 open-source. It's public knowledge. It's 16:03:21
19 logical that, you know, Uber is interested in 16:03:24
20 what Waymo is doing; Waymo is interested in 16:03:26
21 what Uber is doing. 16:03:29
22 Q. This identifies vendor 1 and 16:03:31
23 vendor 2. Do you know what vendors those are 16:03:33
24 referring to? 16:03:36
25 A. I don't. As I recall, they were 16:03:37

1 hypothetical. They weren't specific vendors. 16:03:40

2 Q. The next prong here, Prong Two, 16:03:43

3 says: 16:03:46

4 "Attack the Objectives" 16:03:47

5 A. Uh-huh. 16:03:48

6 Q. What does that mean? 16:03:49

7 A. I think all I'm trying to convey 16:03:57

8 there is that Prong Two is to do the research, 16:03:59

9 do the work. 16:04:04

10 Q. Number 1, again, here is Giraffe 16:04:07

11 or Google; correct? 16:04:11

12 A. Yes. 16:04:11

13 Q. Okay. 16:04:11

14 And it says: 16:04:13

15 "Vendor 1 will use existing 16:04:14

16 capabilities and sources where possible or 16:04:14

17 develop new sources where necessary in order to 16:04:16

18 answer the collection requirements associated 16:04:18

19 with Giraffe." 16:04:20

20 Correct? 16:04:21

21 A. Right. 16:04:22

22 Q. And why did you have in mind that 16:04:22

23 Uber would use a vendor to do these tasks with 16:04:26

24 respect to Google? 16:04:28

25 A. As I recall, the reason for using 16:04:43

1 a vendor there is pretty much resources. Use a 16:04:48
2 vendor, they can -- they can -- you hire a 16:04:53
3 vendor, they can dedicate their time and effort 16:04:55
4 to doing the research necessary. 16:04:57

5 Q. Are you saying that at this time 16:05:03
6 Uber didn't have sufficient internal resources 16:05:06
7 to do this kind of information gathering? 16:05:08

8 A. Right. 16:05:12

9 Q. What are the existing capabilities 16:05:13
10 that are referenced here? 16:05:15

11 A. I don't recall. 16:05:21

12 Q. Do you know what the existing 16:05:21
13 sources that are referenced here are? 16:05:33

14 A. No, no. Again, the document is 16:05:37
15 conceptual in nature, so I mean, it -- 16:05:42

16 Q. Did Uber, to your knowledge, use a 16:05:47
17 vendor to collect information about Google or 16:05:50
18 Waymo? 16:05:55

19 A. Yes, we did use a vendor to do 16:06:01
20 open-source Internet research on you guys -- or 16:06:04
21 on Waymo, I'm sorry. 16:06:07

22 Q. What vendor was that? 16:06:08

23 A. [REDACTED] 16:06:11

24 Q. How do you spell that? 16:06:11

25 A. [REDACTED] 16:06:13

1 Q. To your knowledge, did Uber use 16:06:27
2 any other vendor to collect information about 16:06:29
3 Waymo or Google? 16:06:31
4 A. No. 16:06:43
5 Q. What specifically was [REDACTED] 16:06:47
6 tasked with doing with respect to Waymo or 16:06:49
7 Google? 16:06:54
8 A. As I recall, one of their tasks 16:06:55
9 was investors into the Waymo program. I 16:07:00
10 believe we had tasked them at the time to 16:07:04
11 identify basically Waymo's key personnel, but I 16:07:08
12 don't remember if they completed that second 16:07:17
13 task. 16:07:19
14 Q. Did they complete the first task 16:07:23
15 of identifying investors into Waymo? 16:07:25
16 A. I don't recall. I -- I'm -- I 16:07:28
17 don't remember whether or not they did or they 16:07:31
18 didn't. 16:07:38
19 Q. Do you recall any information that 16:07:38
20 [REDACTED] provided to Uber about Google or 16:07:38
21 Waymo? 16:07:42
22 A. I don't. If they did, we -- we'd 16:07:42
23 have it in the documents. 16:07:44
24 MR. KAPGAN: How long have we been 16:07:46
25 going? 16:08:12

1 MS. CHANG: Almost an hour and a 16:08:12
2 half. So if you're at a good stopping 16:08:13
3 point. 16:08:14
4 MR. KAPGAN: Okay. Let's take a 16:08:14
5 break. 16:08:15
6 THE VIDEOGRAPHER: This marks the 16:08:16
7 end of media number 4. We're going off 16:08:16
8 the record at 4:08 p.m. 16:08:18
9 [Recess at 4:08 p.m.] 16:08:21
10 [Resuming at 4:24 p.m.] 16:08:35
11 THE VIDEOGRAPHER: Here begins 16:24:02
12 media number 5 in the videotape 16:24:04
13 deposition of Ed Russo. We are back on 16:24:05
14 the record at 4:24 p.m. 16:24:08
15 EXAMINATION CONTINUING 16:24:15
16 BY MR. KAPGAN: 16:24:15
17 Q. Mr. Russo, did you discuss the 16:24:16
18 substance of your testimony with counsel today? 16:24:17
19 A. No. No, I did not. 16:24:20
20 Q. Uber produced to us some videos. 16:24:24
21 One of them was labeled Uber 00336963. It's 16:24:26
22 about five minutes long. 16:24:36
23 I'm going to show it to you. It 16:24:37
24 may make sense for you to play it all the way 16:24:40
25 through, and then I'll ask you some questions, 16:24:42

C E R T I F I C A T E

I, PAUL J. FREDERICKSON, CA
Certified Shorthand Reporter No. 13164 and
WA Certified Court Reporter No. 2419, do
hereby certify:

That prior to being examined,
the witness named in the foregoing
deposition was by me duly sworn or affirmed
to testify to the truth, the whole truth and
nothing but the truth;

That said deposition was taken
down by me in shorthand at the time and
place therein named, and thereafter reduced
to print by means of computer-aided
transcription; and the same is a true,
correct and complete transcript of said
proceedings.

I further certify that I am not
interested in the outcome of the action.

1 Witness my hand this 21st day
2 of December 2017.

3
4 
5

6 PAUL J. FREDERICKSON, CCR, CSR

7 WA CCR 2419 CA CSR 13164

8 Expiration date: March 31, 2018
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